

REMARKS

Claims 1, 3-11, and 13-19 are pending in this Application of which claims 1, 3, 5, 10, 11, 13, and 15 are independent. It is acknowledged with appreciation the allowance of claims 1, 5, 6, 9, 11, 15, 16, and 19. Claims 3, 4, 7, 8, 13, 14, 17, and 18 have been rejected. This application is deemed to be in allowable condition, for the reasons presented below.

The Examiner is thanked for his professionalism and courtesy during the telephonic Interview of April 26, 2004. Claims 4-10 and 13 were discussed. An agreement was reached whereby the Examiner agreed that Blank does not disclose a monotone increasing function as recited in claims 4 and 13, and Paris does not disclose setting a prescribed value in a color register, as recited in claim 10. The remarks below are consistent with the arguments made during the Examiner's Interview.

Following submission of the Amendment on November 6, 2003, the Examiner newly rejects claims 3-4, 7-8, 13-14 and 17-18, all of which were previously indicated as being allowable under 35 U.S.C. § 102(b) as being anticipated by Blank (U.S. Patent No. 5,687,306). Also, the Examiner maintains the rejection of claim 10 under 35 U.S.C. § 102(b) as being anticipated by Paris, previously cited. These rejections are respectfully traversed.

Blank discloses an imaging editing system for creating composite photographs from multiple layers. Blank creates composite images by superimposing an image of a person, for example, on a separate background image. It is alleged that gamma attributes, such as transparency/opacity (*i.e.*, transmittance), may be adjusted to improve the composite image. (See column 10, lines 12-21). It is further disclosed that each layer of the composite image has an assigned Z-coordinate value, and may be changed depending on the gamma attributes at that layer. At column 20, lines 15-41, several examples for adjusting transmittance of an object based on the layer of the corresponding composite image are disclosed. It is this disclosure

which the Examiner relies on for teaching a transmittance setting unit that uses a monotone increasing function, as claim 3 and, similarly, claim 13 recite.

Claim 3 recites “wherein said transmittance setting unit uses a monotone increasing function of the depth coordinate value of the object to calculate the transmittance of the relevant object,” and claim 13 recites “wherein said step of setting the transmittance of the object includes the step of calculating the transmittance of the object using a monotone increasing function of the depth coordinate value of the relevant object.” In other words, these claims recite the use of a monotone increasing function. Applicants submit that Blank fails to disclose or suggest a monotone increasing function, as claimed.

Referring to Blank, column 20, lines 15-41, the Examiner asserts that a monotone increasing function is disclosed for the exemplar when layer 7 ($Z=7$) is made semi-transparent. Specifically, Blank states that all of the layers above layer 7 must be made transparent, and the layers below layer 7 “are adjusted in transparency/opacity to account for the semi-transparency of layer 7.” (Blank, column 20, lines 32-34). Simply, “to account for the semi-transparency of a layer” does not read on the claim language requiring “a monotone increasing function.” Accordingly, Blank fails to disclose each and every element of at least independent claims 3 and 13. Claims dependent therefrom are patentable at least based on dependency to either claim 3 or 13. Withdrawal of the anticipation rejection is respectfully solicited.

As regards the rejection of claim 10, in the previous response Applicants argued that Paris fails to disclose “setting a prescribed value in color register so that the object having the depth coordinate value greater than threshold is prevented from being displayed when the coordinate value of the relevant object exceeds the threshold value” because Paris loads a new z-coordinate value into the depth register *only* when the new z-coordinate value represents a point

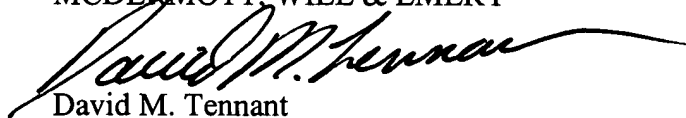
closer to the viewer than the previously displayed object. In response, the Examiner acknowledges that the color data of the object is not changed *per se*. However, the Examiner argued that the color register is still set to the old value of the z-coordinate data value.

It is respectfully submitted that the Examiner has mischaracterized the claim language. It is explicitly stated that the prescribed value is set into color register "so that the object having a depth coordinate value greater than the threshold value is prevented from being displayed when the depth coordinate value of the relevant object exceeds the threshold value." In other words, when the depth coordinate value of the relevant object exceeds a threshold value, a prescribed value is set in the color register so that the object that is already displayed is prevented from being displayed further. The Examiner has acknowledged that Paris fails to disclose or teach this limitation. Accordingly, the rejection of claim 10 has been overcome. Withdrawal of the same is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



David M. Tennant

Registration No. 48,362

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 DT:bjs
Facsimile: (202) 756-8087
Date: May 12, 2004